

FIFTY-SEVENTH DAY - APRIL 10, 2006**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
SECOND SESSION****FIFTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Monday, April 10, 2006

PRAYER

The prayer was offered by Pastor Jim Miller, Faith Lutheran Church, Seward.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brown, Combs, Dw. Pedersen, and Raikes who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1492, line 4, strike "954" and insert "952".
The Journal for the fifty-sixth day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 6, 2006, at 2:55 p.m. were the following: LBs 808e, 819, 856, 856A, 898, 904, 956, 956A, 962, 962A, 994e, 994Ae, 1010, 1038, 1107, 1189e, and 1189A.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 6, 2006, at 2:58 p.m. was the following: LR 259CA.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

MESSAGE FROM THE GOVERNOR

April 6, 2006

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 968e, 968Ae, 188, 562, 876e, 915, 1069, and 1069A were received in my office on April 3, 2006.

I signed these bills and delivered them to the Secretary of State on April 6, 2006.

Sincerely,
(Signed) Dave Heineman
Governor

MOTION - Return LB 1148 to Select File

Senator Jensen moved to return LB 1148 to Select File for his specific pending amendment, AM3085, found on page 1525.

The Jensen motion to return prevailed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1148. The Jensen specific pending amendment, AM3085, found on page 1525, was adopted with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 965 to Select File

Senator Cunningham moved to return LB 965 to Select File for the following Cunningham-Jensen specific amendment:
AM3151

- 1 1. Insert the following new sections:
- 2 Sec. 8. The Long-Term Care Partnership Program is
- 3 established. The program shall be administered by the Department of
- 4 Health and Human Services Finance and Support in accordance with
- 5 federal requirements on state long-term care partnership programs.
- 6 In order to implement the program, the department shall file a
- 7 State plan amendment with the federal Centers for Medicare and
- 8 Medicaid Services pursuant to the requirements set forth in 42

- 9 U.S.C. 1396p(b), as such section existed on March 1, 2006.
10 Sec. 11. The following sections are outright repealed:
11 Sections 68-1095, 68-1096, 68-1097, 68-1098, and 68-1099, Revised
12 Statutes Supplement, 2005.
13 2. Correct the operative date section so that the
14 sections added by this amendment become operative on their
15 effective date.
16 3. Renumber the remaining sections and correct internal
17 references accordingly.

The Cunningham motion to return prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 965. The Cunningham-Jensen specific pending amendment, AM3151, found in this day's Journal, was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 965 to Select File

Senator Jensen moved to return LB 965 to Select File for his specific pending amendment, AM3124, found on page 1496.

The Jensen motion to return prevailed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 965. The Jensen specific pending amendment, AM3124, found on page 1496, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 965 to Select File

Senator Landis moved to return LB 965 to Select File for the following Landis-Jensen specific amendment:

FA675

Amendment to AM3124

Strike Section 6.

The Landis motion to return prevailed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 965. The Landis specific amendment, FA675, found in this day's Journal, was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

WITHDRAW - Amendment to LB 965A

Senator Jensen withdrew his pending amendment, AM3092, found on page 1445, to LB 965A.

SELECT FILE

LEGISLATIVE RESOLUTION 274CA. Advanced to E & R for engrossment.

LEGISLATIVE BILL 79. E & R amendment, AM7218, found on page 1418, was adopted.

Senator Hudkins offered the following amendment:
AM3097

(Amendments to E & R amendments, AM7218)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 74-1329, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 74-1329 Sections 74-1329 to 74-1343 and section 3 of this
- 5 act shall be known and may be cited as the Nebraska Highway-Rail
- 6 Grade Crossing Safety and Consolidation Act.
- 7 Sec. 3. (1) If a railroad closes a bridge over a railroad
- 8 track, and the bridge was constructed at a crossing to provide for
- 9 travel on a public road, because the railroad has determined that
- 10 the bridge is unfit for its intended purpose, the railroad:
- 11 (a) Shall provide written notice sixty days prior to
- 12 closure to all landowners located within twenty miles of the
- 13 crossing of the intent to close the bridge. Such notice shall
- 14 also be provided to the governing body of the county in which the
- 15 crossing is located; and
- 16 (b) Shall file with the governing body of the county in
- 17 which the crossing is located a detailed plan for updating the
- 18 crossing to allow for its continued use within thirty days after
- 19 closure. The plan shall also include a timeline for reopening the
- 20 crossing. The timeline shall not be greater than one hundred eighty
- 21 days after the date of closure.
- 22 (2) If a railroad does not comply with subdivision (1)(b)
- 1 of this section, the railroad shall pay to the county in which the
- 2 crossing is located a fine of one thousand dollars per day for
- 3 every day that the crossing is closed that is greater than one
- 4 hundred eighty days after the date the crossing was closed. If a
- 5 railroad does not comply with the notice requirement of subdivision

6 (1)(a) of this section, the railroad shall be liable in an amount
 7 of one thousand dollars in civil damages to any landowner or
 8 governing body that qualifies to receive the notice.
 9 (3) For any crossing described in subsection (1) of this
 10 section closed prior to the effective date of this act and which
 11 remains closed on the effective date of this act the railroad shall
 12 pay to the county in which the crossing is located a fine of one
 13 thousand dollars per day for every day the crossing remains closed
 14 on and after the effective date of this act.

15 Sec. 5. Since an emergency exists, this act takes effect
 16 when passed and approved according to law.

17 2. On page 2, line 9, strike "section" and insert
 18 "sections 74-1329 and"; and in line 10 strike "is" and insert
 19 "are".

20 3. Renumber the remaining sections accordingly.

Senator Hudkins withdrew her amendment.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 529. The Standing Committee amendment, AM0215, found on page 648, First Session, 2005, and considered on page 473, was renewed.

Senator Beutler asked unanimous consent to withdraw his pending amendment, AM1795, printed separately and referred to on page 291 and considered on pages 473, 474, and 477, and replace it with his substitute amendment, AM2787, to the Standing Committee amendment. No objections. So ordered.

(Amendment, AM2787 is on file and available in the Clerk's Office, Room 2014.)

Senator Thompson moved the previous question. The question is, "Shall the debate now close?"

Senator Thompson moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Senator Thompson requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 20:

Aguilar	Brown	Cornett	Kruse	Raikes
Baker	Burling	Foley	Landis	Synowiecki
Beutler	Byars	Jensen	Mines	Thompson
Brashear	Connealy	Johnson	Preister	Wehrbein

Voting in the negative, 10:

Chambers	Erdman	Hudkins	Redfield	Stuhr
Engel	Fischer	McDonald	Smith	Stuthman

Present and not voting, 18:

Bourne	Flood	Janssen	Louden	Schimek
Combs	Friend	Kopplin	Pahls	Schrock
Cudaback	Heidemann	Kremer	Pederson, D.	
Cunningham	Howard	Langemeier	Price	

Excused and not voting, 1:

Pedersen, Dw.

The motion to cease debate failed with 20 ayes, 10 nays, 18 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Mines moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Beutler amendment was adopted with 26 ayes, 3 nays, and 20 present and not voting.

Pending.

COMMUNICATION

April 10, 2006

Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Please be advised that pursuant to Rule 1, Section 17, the Executive Board met and approved Speaker Brashear's request that LB 1024 and LB 1024A be designated as 2006 Speaker Major Proposals.

Sincerely,
(Signed) Senator Pat Engel
Chairman, Executive Board

AMENDMENTS - Print in Journal

Senator Mines filed the following amendment to LB 1227:
AM3150

- 1 1. Insert the following new section:
- 2 Sec. 9. Section 15, Legislative Bill 454, Ninety-ninth
- 3 Legislature, Second Session, 2006, is amended to read:
- 4 Sec. 15. (1)(a) A permitholder may carry a concealed
- 5 handgun anywhere in Nebraska, except any: Police, sheriff, or
- 6 Nebraska State Patrol station or office; detention facility,
- 7 prison, or jail; courtroom or building which contains a courtroom;
- 8 federal, state, or local government building; polling place
- 9 during a bona fide election; meeting of the governing body of a
- 10 county, public school district, municipality, or other political
- 11 subdivision; meeting of the Legislature or a committee of the
- 12 Legislature; financial institution; professional, semiprofessional,
- 13 or collegiate athletic event; school, school grounds, school-owned
- 14 vehicle, or school-sponsored activity or athletic event; place
- 15 of worship; emergency room or trauma center; childcare center;
- 16 domestic violence victim or sexual assault victim shelter;
- 17 residence of another person without his or her permission;
- 18 playground or municipal park; public swimming pool; public
- 19 recreation facility; youth center; music concert; mental health
- 20 facility; political rally or fundraiser; establishment having a
- 21 license issued under the Nebraska Liquor Control Act that derives
- 22 over one-half of its total income from the sale of alcoholic
- 23 liquor; place where the possession or carrying of a firearm is
- 1 prohibited by state or federal law; a place or premises where the
- 2 person, persons, entity, or entities in control of the property or
- 3 employer in control of the property has prohibited permitholders
- 4 from carrying concealed handguns into or onto the place or
- 5 premises; a passenger air terminal, except that a permitholder may,
- 6 to the extent otherwise permitted by law, transport a concealed
- 7 handgun into or out of a passenger air terminal for the sole
- 8 purpose, respectively, of (i) presenting such concealed handgun to
- 9 United States Customs and Border Protection officers in advance of
- 10 an international flight in order to comply with federal law, (ii)
- 11 checking such concealed handgun with his or her luggage, or (iii)
- 12 retrieving such concealed handgun from the baggage claim area;
- 13 or into or onto any other place or premises where handguns are
- 14 prohibited by law or rule or regulation.
- 15 (b) A financial institution or air passenger terminal may
- 16 authorize its security personnel to carry concealed handguns in the
- 17 financial institution or air passenger terminal while on duty so
- 18 long as each member of the security personnel, as authorized, is
- 19 in compliance with the Concealed Handgun Permit Act and possesses a
- 20 permit to carry a concealed handgun issued pursuant to the act.
- 21 (2) If a person, persons, entity, or entities in control
- 22 of the property or an employer in control of the property prohibits

23 a permitholder from carrying a concealed handgun into or onto the
 24 place or premises and such place or premises are open to the
 25 public, a permitholder does not violate this section unless the
 26 person, persons, entity, or entities in control of the property
 27 or employer in control of the property has posted conspicuous
 1 notice that carrying a concealed handgun is prohibited in or
 2 on the place or premises or has made a request, directly or
 3 through an authorized representative or management personnel, that
 4 the permitholder remove the concealed handgun from the place or
 5 premises. A permitholder carrying a concealed handgun in a vehicle
 6 into or onto any place or premises does not violate this section
 7 so long as the handgun is not removed from the vehicle while the
 8 vehicle is in or on the place or premises. An employer may prohibit
 9 employees or other persons who are permitholders from carrying
 10 concealed handguns in vehicles owned by the employer.

11 (3) A permitholder shall not carry a concealed handgun
 12 while he or she is consuming alcohol or while the permitholder
 13 has remaining in his or her blood, urine, or breath any previously
 14 consumed alcohol or any controlled substance as defined in section
 15 28-401. A permitholder does not violate this subsection if the
 16 controlled substance in his or her blood, urine, or breath was
 17 lawfully obtained and was taken in therapeutically prescribed
 18 amounts.

19 2. On page 8, line 23, after the comma insert "and
 20 section 15, Legislative Bill 454, Ninety-ninth Legislature, Second
 21 Session, 2006,".

22 3. Renumber the remaining section accordingly.

Senator Friend filed the following amendment to LB 1249:
 AM3162

(Amendments to E & R amendments, AM7223)

1 1. Strike sections 12 and 15.

2 2. On page 1, line 22, strike "12" and insert "11".

3 3. On page 7, line 18, strike "(a)"; in line 19 strike
 4 "(b)"; in line 20 strike beginning with "county" in line 20
 5 through "boundaries" in line 21 and insert "extraterritorial zoning
 6 jurisdiction".

7 4. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 500. Placed on Select File as amended.

(E & R amendment, AM7226, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 500A. Placed on Select File as amended.

E & R amendment to LB 500A:

AM7225

- 1 1. On page 1, line 3; and page 2, line 5, strike "First
2 Session, 2005" and insert "Second Session, 2006".
3 2. On page 2, line 2, strike "FY2005-06" and insert
4 "FY2006-07"; and in line 3 strike "FY2006-07" and insert
5 "FY2007-08".

LEGISLATIVE BILL 1249. Placed on Select File as amended.
E & R amendment to LB 1249:
AM7223

- 1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:
3 Section 1. Section 13-2802, Revised Statutes Cumulative
4 Supplement, 2004, is amended to read:
5 13-2802 Whenever creation of a municipal county is
6 proposed involving a city of the metropolitan class, the
7 interjurisdictional planning commission shall include in its plan
8 a recommendation with regard to the territory within which any
9 metropolitan utilities district shall have and may exercise the
10 power of eminent domain pursuant to subsection (2) of section
11 14-2116. The plan shall further include a recommendation with
12 regard to the territory which shall be deemed to be within the
13 corporate boundary limits or extraterritorial zoning jurisdiction
14 of a municipality or a municipality dissolved by the creation of
15 the municipal county for purposes of ~~sections 57-1301 to 57-1307~~
16 the State Natural Gas Regulation Act. The question of creation
17 of the municipal county shall not be submitted to a vote under
18 section 13-2810 until a law adopting the provisions required by
19 this section has been enacted.
20 Sec. 2. Section 66-1801, Reissue Revised Statutes of
21 Nebraska, is amended to read:
22 66-1801 Sections 66-1801 to 66-1857 and sections 5 to 12
23 of this act shall be known and may be cited as the State Natural
1 Gas Regulation Act.
2 Sec. 3. Section 66-1804, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 66-1804 (1) The commission shall have full power,
5 authority, and jurisdiction to regulate natural gas public
6 utilities and may do all things necessary and convenient for
7 the exercise of such power, authority, and jurisdiction. Except
8 as provided in the Nebraska Natural Gas Pipeline Safety Act of
9 1969, and notwithstanding any other provision of law, such power,
10 authority, and jurisdiction shall extend to, but not be limited to,
11 all matters encompassed within the State Natural Gas Regulation
12 Act, ~~and sections 57-1301 to 57-1307.~~
13 (2) The State Natural Gas Regulation Act and all grants
14 of power, authority, and jurisdiction in the act made to the
15 commission shall be liberally construed, and all incidental powers
16 necessary to carry into effect the provisions of the act are
17 expressly granted to and conferred upon the commission.

18 Sec. 4. Section 66-1852, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 66-1852 (1) Except as ~~provided in sections 57-1301 to~~
21 ~~57-1307 as those statutes govern jurisdictional utilities and~~
22 metropolitan utilities districts otherwise expressly authorized in
23 the State Natural Gas Regulation Act, no person, public or private,
24 shall extend duplicative or redundant natural gas mains or other
25 natural gas services into any area which has existing natural gas
26 utility infrastructure or where a contract has been entered into
27 for the placement of natural gas utility infrastructure.

1 (2) ~~This~~ The prohibition in subsection (1) of this
2 section shall not apply in any area in which two or more
3 jurisdictional utilities share authority to provide natural gas
4 within the same territory under franchises issued by the same city.

5 Sec. 5. Section 57-1301, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 ~~57-1301~~ Whenever any city ~~of the primary, first, or~~
8 ~~second class or village~~ is furnished natural gas pursuant to
9 a franchise agreement with ~~an investor owned natural gas a~~
10 jurisdictional utility, a metropolitan utilities district shall
11 not solicit such city ~~or village~~ to enter into a franchise
12 agreement or promote discontinuance of natural gas service with
13 the utility; unless a specific invitation to submit a proposal
14 on such a franchise has been formally presented to the board of
15 directors of the metropolitan utilities district. For purposes of
16 this section, a specific invitation to submit a proposal ~~shall~~
17 ~~mean~~ means a resolution adopted by ~~a city council of a city of~~
18 ~~the primary, first, or second class or the board of trustees of a~~
19 ~~village~~ the governing body of the city.

20 Whenever a specific invitation to submit a proposal is
21 received by the board of directors of a metropolitan utilities
22 district, the invitation will be considered by the board at its
23 next regularly scheduled monthly meeting.

24 Sec. 6. Section 57-1302, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 ~~57-1302~~ Sections ~~57-1303 to 57-1307~~ 5 to 11 of this
27 act shall be applicable to ~~an investor owned natural gas a~~
1 jurisdictional utility only when it is operating in a county
2 in which there is located the natural gas service area, or portion
3 of the natural gas service area, of a metropolitan utilities
4 district and only with regard to matters arising within any such
5 county. Within the limits of a municipal county, the provisions of
6 sections ~~57-1301 to 57-1307~~ 5 to 11 of this act shall be applicable
7 to the extent and in the manner provided by the Legislature as
8 required by section 13-2802.

9 Sec. 7. Section 57-1303, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 ~~57-1303~~ No ~~investor owned natural gas~~ jurisdictional
12 utility or metropolitan utilities district may extend or enlarge

its natural gas service area or extend or enlarge its natural gas mains or natural gas services unless it is in the public interest to do so. In determining whether or not an extension or enlargement is in the public interest, the district or the utility shall consider the following:

(1) The economic feasibility of the extension or enlargement;

(2) The impact the enlargement will have on the existing and future natural gas ratepayers of the metropolitan utilities district or the ~~investor owned natural gas~~ jurisdictional utility;

(3) Whether the extension or enlargement contributes to the orderly development of natural gas utility infrastructure;

(4) Whether the extension or enlargement will result in duplicative or redundant natural gas utility infrastructure; and

(5) Whether the extension or enlargement is applied in a nondiscriminatory manner.

Sec. 8. Section 57-1304, Reissue Revised Statutes of Nebraska, is amended to read:

~~57-1304~~ In determining whether an enlargement or extension of a natural gas service area, natural gas mains, or natural gas services is in the public interest pursuant to section ~~57-1303~~ 7 of this act, the following shall constitute rebuttable presumptions:

(1) Any enlargement or extension by a metropolitan utilities district within a city of the metropolitan class or its extraterritorial zoning jurisdiction is in the public interest;

(2) Any enlargement or extension by ~~an investor owned natural gas~~ a jurisdictional utility within a city other than a city of the primary, first, or second class or village metropolitan class in which it serves natural gas on a franchise basis or its extraterritorial zoning jurisdiction is in the public interest; and

(3) Any enlargement or extension by a metropolitan utilities district within its statutory boundary or within a ~~city of the first or second class or village~~ other than a city of the metropolitan or primary class in which it serves natural gas on a franchise basis or its extraterritorial zoning jurisdiction is in the public interest.

Any enlargement or extension by a metropolitan utilities district within the boundaries of a city of the metropolitan class involving the exercise of the power of eminent domain pursuant to subsection (2) of section 14-2116 shall, by reason of such exercise, be conclusively determined to be in the public interest.

Sec. 9. Section 57-1305, Reissue Revised Statutes of Nebraska, is amended to read:

~~57-1305~~ A metropolitan utilities district or ~~investor owned natural gas~~ jurisdictional utility shall not extend duplicative or redundant interior natural gas mains or natural gas services into a subdivision, whether residential, commercial, or industrial, which has existing natural gas utility

8 infrastructure or which has contracted for natural gas utility
9 infrastructure with another utility.

10 Sec. 10. Section 57-1306, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 57-1306 If the investor-owned natural gas (1) Except
13 as provided in subsections (2) and (3) of this section, no
14 jurisdictional utility or the metropolitan utilities district
15 disagrees with a determination by an investor-owned natural gas
16 utility or a metropolitan utilities district that a proposing to
17 extend or enlarge its natural gas service area or extend or enlarge
18 its natural gas mains or natural gas services after the effective
19 date of this act shall undertake or pursue such extension or
20 enlargement until the proposal has been submitted to the commission
21 for its determination that the proposed extension or enlargement is
22 in the public interest. Any proposal for extension or enlargement
23 shall be filed with the commission, and the commission shall
24 promptly make such application public in such manner as the
25 commission deems appropriate. The commission shall schedule the
26 matter, the matter may be submitted to the Public Service
27 Commission for hearing and determination in the county where the
1 extension or enlargement is proposed, and the matter shall be
2 subject to the applicable procedures provided in the State Natural
3 Gas Regulation Act and sections 75-112, 75-129, and 75-134 to
4 75-136. In making a determination whether a proposed extension
5 or enlargement is in the public interest, the commission shall
6 consider the factors set forth in sections 7 and 8 of this act,
7 57-1303 and 57-1304. The commission shall have no jurisdiction
8 over a metropolitan utilities district or natural gas utility
9 beyond the determination of disputes brought before it under
10 sections 57-1301 to 57-1307. Ratepayers of the investor-owned
11 natural gas jurisdictional utility or the metropolitan utilities
12 district shall have the right to appear and present testimony
13 before the commission on any matter submitted to the commission
14 under sections 57-1301 to 57-1307 5 to 11 of this act and shall
15 have such testimony considered by the commission in arriving at its
16 determination.

17 (2) If any metropolitan utilities district proposes to
18 extend or enlarge its system (a) within the corporate boundaries
19 of the city of the metropolitan class it serves or (b) within
20 the boundaries of the county in which such city is located and
21 within three miles of the corporate boundaries of such city,
22 the metropolitan utilities district may pursue such extension
23 or enlargement without the need for commission approval or the
24 requirement to file and request permission to pursue such extension
25 or enlargement.

26 (3) If no person or entity has filed with the commission
27 a protest alleging that the proposed extension or enlargement is
1 not in the public interest within fifteen business days after the
2 date upon which the application was made public, the enlargement

3 or extension shall be conclusively presumed to be in the public
4 interest and the jurisdictional utility or metropolitan utilities
5 district may proceed with the extension or enlargement without
6 further commission action.

7 Sec. 11. Section 57-1307, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 ~~57-1307~~ All books, records, vouchers, papers, contracts,
10 engineering designs, and any other data of the metropolitan
11 utilities district relating to the public interest of an extension
12 or enlargement of natural gas mains or natural gas services or
13 relating to natural gas service areas, whether in written or
14 electronic form, shall be open and made available for public
15 inspection, investigation, comment, or protest upon reasonable
16 request during business hours, except that such books, records,
17 vouchers, papers, contracts, designs, and other data shall be
18 subject to section 84-712.05. Any books, records, vouchers, papers,
19 contracts, designs, or other data not made available to the
20 metropolitan utilities district or ~~an investor owned natural gas~~
21 jurisdictional utility with regard to a proceeding before the
22 commission regarding matters arising pursuant to sections 5 to
23 11 of this act shall not be considered by the Public Service
24 Commission commission in determining whether an enlargement or
25 extension is in the public interest.

26 Sec. 12. Nothing in the State Natural Gas Regulation
27 Act shall be construed as interfering with or restricting the
1 right of a city owning, maintaining, and operating a natural gas
2 distribution system from exercising its exclusive authority to
3 serve natural gas customers within its corporate boundaries as
4 such boundaries are established by its governing body pursuant
5 to state law. The commission shall, in conformity with the
6 provisions of the State Natural Gas Regulation Act, cooperate
7 with cities extending their boundaries and modify the exclusive
8 service territories of jurisdictional utilities or metropolitan
9 utilities districts as city boundaries are extended by annexation
10 and condemnation proceedings that, pursuant to sections 76-701 to
11 76-724, acquire those portions of a jurisdictional utility's system
12 serving the annexed area. Jurisdictional utilities shall be subject
13 to commission orders issued in conformity with this section.

14 Sec. 13. Section 75-109.01, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 75-109.01 Except as otherwise specifically provided by
17 law, the Public Service Commission shall have jurisdiction, as
18 prescribed, over the following subjects:

19 (1) Common carriers, generally, pursuant to sections
20 75-101 to 75-158;

21 (2) Grain pursuant to the Grain Dealer Act and the Grain
22 Warehouse Act and sections 89-1,104 to 89-1,108;

23 (3) Manufactured homes and recreational vehicles
24 pursuant to the Uniform Standard Code for Manufactured Homes and

25 Recreational Vehicles;

26 (4) Modular housing units pursuant to the Nebraska
27 Uniform Standards for Modular Housing Units Act;

1 (5) Motor carrier registration and safety pursuant to
2 sections 75-301 to 75-322, 75-369.03, 75-370, 75-371, 75-383, and
3 75-384;

4 (6) Pipeline carriers and rights-of-way pursuant to the
5 State Natural Gas Regulation Act and sections ~~57-1301 to 57-1307~~
6 ~~and~~ 75-501 to 75-503;

7 (7) Railroad carrier safety pursuant to sections 74-918,
8 74-919, 74-1323, and 75-401 to 75-430;

9 (8) Telecommunications carriers pursuant to the
10 Automatic Dialing-Announcing Devices Act, the Emergency Telephone
11 Communications Systems Act, the Enhanced Wireless 911 Services
12 Act, the Intrastate Pay-Per-Call Regulation Act, the Nebraska
13 Telecommunications Regulation Act, the Nebraska Telecommunications
14 Universal Service Fund Act, the Telecommunications Relay System
15 Act, the Telephone Consumer Slamming Prevention Act, and sections
16 86-574 to 86-580;

17 (9) Transmission lines and rights-of-way pursuant to
18 sections 70-301 and 75-702 to 75-724;

19 (10) Water service pursuant to the Water Service
20 Regulation Act; and

21 (11) Jurisdictional utilities governed by the State
22 Natural Gas Regulation Act. If the provisions of Chapter 75
23 are inconsistent with the provisions of the State Natural Gas
24 Regulation Act, the provisions of the State Natural Gas Regulation
25 Act control.

26 Sec. 14. Original sections 57-1301, 57-1302, 57-1303,
27 57-1304, 57-1305, 57-1306, 57-1307, 66-1801, 66-1804, 66-1852,
1 and 75-109.01, Reissue Revised Statutes of Nebraska, and section
2 13-2802, Revised Statutes Cumulative Supplement, 2004, are
3 repealed.

4 Sec. 15. Since an emergency exists, this act takes effect
5 when passed and approved according to law.

6 2. On page 1, line 7, after the last semicolon insert "to
7 harmonize provisions;"

(Signed) Michael Flood, Chairperson

VISITORS

Visitors to the Chamber were Linda Miller from Seward; 8 twelfth-grade students and teacher from Sterling; 35 fourth-grade students and teachers from Chapman; Rosie Matlock from Thayer, Ellie Westwood from York, and Shirley Hartford, Tara Keenan-Randall, and Diane Palm from Central City; 100 fourth-grade students and teachers from St. Pius Elementary School, Omaha; 15 fourth- and sixth-grade students and teachers from Sword of the Spirit School, Omaha; 36 fourth-grade students and teachers

from Hartman Elementary School, Omaha; and Senator Beutler's parents, Dorothy and Jack Beutler, from Lincoln.

RECESS

At 12:03 p.m., on a motion by Senator D. Pederson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Brashear, Combs, Cunningham, Loudon, Schimek, Synowiecki, and Thompson who were excused until they arrive.

SELECT COMMITTEE REPORT **Enrollment and Review**

Correctly Reengrossed

The following bill was correctly reengrossed: LB 1148.

(Signed) Michael Flood, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 448. Introduced by Johnson, 37.

WHEREAS, Matthew D. Hansen, of Kearney, earned the Boy Scouts' highest honor and rank of Eagle Scout and will be awarded the Eagle Award on Sunday, April 30, 2006; and

WHEREAS, to earn the rank of Eagle Scout, the highest advancement rank in scouting, Matthew fulfilled requirements in the areas of leadership, service, and outdoor skills, and passed through the ranks of Tenderfoot, Second Class, First Class, Star, and Life; and

WHEREAS, to achieve the rank of Eagle Scout, Matthew earned twenty-one merit badges, twelve in required areas, and completed a community service project approved by the troop and scout council; and

WHEREAS, only two percent of all young men who join the Boy Scouts of America attain the rank of Eagle Scout; and

WHEREAS, Matthew D. Hansen has achieved great success as an exemplary member of the scouting program and has represented his troop and community with excellence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates Matthew D. Hansen on his achievement of the elite rank of Eagle Scout in the Boy Scouts and recognizes his outstanding community service efforts in Kearney.

2. That a copy of this resolution be sent to Matthew D. Hansen and his family.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1039. Title read. Considered.

The Standing Committee amendment, AM2309, found on page 683, was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 9 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 272CA. Read. Considered.

The Standing Committee amendment, AM2184, found on page 608, was considered.

Senator Connealy withdrew his pending amendment, AM3101, found on page 1486.

Senator Connealy renewed his pending amendment, AM3147, found on page 1526, to the Standing Committee amendment.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Connealy amendment was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

WITHDRAW - Motion to LB 57

Senator Landis withdrew his pending motion, found on page 1343, to return LB 57 to Select File for his specific pending amendment, AM2989.

WITHDRAW - Amendment to LB 57

Senator Landis withdrew the Landis-Foley pending amendment, AM3134, found on page 1495, to LB 57.

MOTION - Return LB 57 to Select File

Senators Landis and Foley moved to return LB 57 to Select File for the following specific amendment:
AM3170

(Amendments to Final Reading copy)

- 1 1. Insert the following new sections:
- 2 Sec. 8. Assault on a pregnant woman and assault on her
- 3 unborn child shall be considered as separate acts or conduct for
- 4 purposes of prosecution.
- 5 Sec. 9. (1) Any person who commits any of the following
- 6 criminal offenses against a pregnant woman shall be punished by
- 7 the imposition of the next higher penalty classification than the
- 8 penalty classification prescribed for the criminal offense, unless
- 9 such criminal offense is already punishable as a Class IB felony or
- 10 higher classification: Assault in the first degree, section 28-308;
- 11 assault in the second degree, section 28-309; assault in the
- 12 third degree, section 28-310; sexual assault in the first degree,
- 13 section 28-319; sexual assault in the second or third degree,
- 14 section 28-320; sexual assault of a child in the second or third
- 15 degree, section 28-320.01; sexual abuse of an inmate or parolee
- 16 in the first degree, section 28-322.01; sexual abuse of an inmate
- 17 or parolee in the second degree, section 28-322.03; sexual abuse
- 18 of a protected individual in the first or second degree, section
- 19 28-322.04; domestic assault in the first, second, or third degree,
- 20 section 28-323; assault on an officer in the first degree, section
- 21 28-929; assault on an officer in the second degree, section 28-930;
- 22 assault on an officer in the third degree, section 28-931; assault
- 1 on an officer using a motor vehicle, section 28-931.01; assault
- 2 on a confined person, section 28-933; proximately causing serious
- 3 bodily injury while operating a motor vehicle, section 60-6,198;
- 4 and sexual assault of a child in the first degree, section 6,
- 5 Legislative Bill 1199, Ninety-ninth Legislature, Second Session,
- 6 2006.
- 7 (2) The prosecution shall allege and prove beyond a
- 8 reasonable doubt that the victim was pregnant at the time of the
- 9 offense.
- 10 2. On page 1, line 4, after the first semicolon insert
- 11 "to enhance penalties for assault;"
- 12 3. On page 2, line 3, strike "7" and insert "9"; in
- 13 line 6 strike "7" and insert "8"; in lines 12, 17, and 23 after
- 14 "she" insert ", during the commission of any criminal assault on
- 15 a pregnant woman,"; and in lines 13, 18, and 24 strike "an" and
- 16 insert "her".

- 17 4. On page 3, line 14, after "child" insert "of a
 18 pregnant woman"; and after line 25 insert the following new
 19 subsection:
 20 "(3) For the purposes of this section, unborn child shall
 21 have the same meaning as in section 3 of this act.".
 22 5. Renumber the remaining sections accordingly.

The Landis-Foley motion to return prevailed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 57. The Landis-Foley specific amendment, AM3170, found in this day's Journal, was adopted with 42 ayes, 0 nays, 4 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

GENERAL FILE

LEGISLATIVE BILL 1248. The Standing Committee amendment, AM2831, printed separately and referred to on page 1139 and considered on page 1397, as amended, was renewed.

Senator Beutler withdrew his pending amendment, AM3035, found on page 1406.

Senator Cunningham withdrew his pending amendment, AM3006, found on page 1410.

Senator Beutler withdrew his pending amendment, FA668, found on page 1410.

Senator Chambers withdrew his pending amendment, FA669, found on page 1410.

Senator Jensen withdrew his pending amendment, AM3146, found on page 1527.

Senator Jensen offered the following amendment to the Standing Committee amendment:

AM3182

(Amendments to Standing Committee amendments, AM2831)

- 1 1. On page 2, line 2, after "assistance" insert "alone";
- 2 in line 3 after "meet" insert "all of"; and in line 6 strike "and
- 3 priorities".
- 4 2. On page 20, line 9, strike "and" and insert an
- 5 underscored comma; and in line 27 strike "effectively address the
- 6 health care and".

- 7 3. On page 21, strike beginning with line 1 through
 8 "reforms" in line 3 and insert "implement reforms to the medical
 9 assistance program".

The Jensen amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Senator Jensen offered the following amendment to the Standing Committee amendment:

AM3193

(Amendments to Standing Committee amendments, AM2831)

- 1 1. On page 6, line 17, strike "committee" and insert
 2 "Legislature"; in line 22 strike "committee or the"; and strike
 3 beginning with "committee" in line 25 through "the" in line 26.
 4 2. On page 7, line 4, strike "committee or the"; strike
 5 beginning with "The" in line 5 through "(5)" in line 14; and in
 6 line 15 strike "annually" and insert "biennially".
 7 3. On page 13, line 22, strike ", prioritizing,".
 8 4. On page 14, after line 11 insert the following new
 9 subsection:
 10 "(4) Except as otherwise provided in this subsection,
 11 proposed rules and regulations under this section relating to the
 12 establishment of premiums, copayments, or deductibles for eligible
 13 recipients or limits on the amount, duration, or scope of covered
 14 services for eligible recipients shall not become effective until
 15 the conclusion of the earliest regular session of the Legislature
 16 in which there has been a reasonable opportunity for legislative
 17 consideration of such rules and regulations. This subsection does
 18 not apply to rules and regulations that are (a) required by
 19 federal or state law, (b) related to a waiver in which recipient
 20 participation is voluntary, or (c) proposed due to a loss of
 21 federal matching funds relating to a particular covered service
 22 or eligibility category. Legislative consideration includes, but
 1 is not limited to, the introduction of a legislative bill, a
 2 legislative resolution, or an amendment to pending legislation
 3 relating to such rules and regulations.".

The Jensen amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 1248A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 554. Senator Redfield withdrew the Redfield-Beutler pending amendment, AM3093, found on page 1485.

Senators Redfield and Beutler offered the following amendment:
AM3168

- 1 1. In the Standing Committee amendments, AM0670:
- 2 a. On page 1, line 7, after "employees" insert "who are
- 3 seventeen years of age or older"; in line 18 strike "persons", show
- 4 as stricken, and insert "employees who are seventeen years of age
- 5 or older"; and in line 21 reinstate the stricken matter and before
- 6 "fifty" insert "through September 30, 2006, and thereafter";
- 7 b. On page 2, line 3, strike "individual", show as
- 8 stricken, and insert "employee"; and
- 9 c. On page 3, line 5, after "wage" insert "or hire an
- 10 employee under seventeen years of age"; and in line 12 after "wage"
- 11 insert "or a new employee under seventeen years of age".
- 12 2. In AM2516, on page 1, line 9, strike "forty-six" and
- 13 insert "twenty-six".

SENATOR BAKER PRESIDING

Senator Smith offered the following amendment to the Redfield-Beutler pending amendment:
FA685

Amendment to AM3168

- P. 1, line 3, 4 and 10 strike "seventeen" and replace with "nineteen"

SENATOR CUDABACK PRESIDING

Senator Beutler moved the previous question. The question is, "Shall the debate now close?"

Senator Beutler moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Smith withdrew his amendment.

The Chair declared the call raised.

SPEAKER BRASHEAR PRESIDING

Senator Beutler offered the following motion:
Invoke cloture on LB 554, pursuant to Rule 7, Section 10.

The Chair ruled a full and fair debate had not been afforded, pursuant to Rule 7, Section 10, and therefore the motion for cloture is out of order.

Pending.

AMENDMENTS - Print in Journal

Senator Howard filed the following amendment to LB 500:
AM3137

(Amendments to E & R amendments, AM7226)

- 1 1. On page 5, line 8, after "facilities" insert "that
2 are provided free to the public"; and in line 13 after "project"
3 insert ". Development project costs does not include property
4 taxes incurred by a company that locates within a development
5 project area, any type of lobbying expense, or the development,
6 construction, or operation of any type of parking facility that
7 requires the public to pay a fee".
- 8 2. On page 8, line 11, after "stadiums" insert "that
9 provide at a minimum one free parking space for each four seats in
10 the stadium".
- 11 3. On page 24, line 25, after the period insert "The
12 contracting public body may not pledge any portion of the financial
13 assistance received under this section for the construction,
14 development, or operation of a parking facility that requires
15 the public to pay any type of fee for its use".

Senator Fischer filed the following amendment to LB 500:
AM3136

(Amendments to E & R amendments, AM7226)

- 1 1. On page 2, line 6, after the semicolon insert
2 "and"; and strike beginning with the semicolon in line 15 through
3 "exercised" in line 18.

Senator Jensen filed the following amendment to LB 1248:
AM2913

- 1 1. Insert the following new section:
2 Sec. 70. Section 71-3305, Reissue Revised Statutes of
3 Nebraska, is amended to read:
4 71-3305 (~~4~~) Except as otherwise provided in subsection
5 (2) of this section, any political subdivision as defined in
6 section 13-702, other than a village, that provides the water
7 supply of any city or village for human consumption for any city
8 shall add fluoride to such water supply in the amount and manner
9 prescribed by the rules and regulations of the Department of
10 Health and Human Services Regulation and Licensure. In any such
11 city in which fluoride is not added to the water supply on the
12 effective date of this act, the voters may, after the effective
13 date of this act but before January 1, 2009, adopt an ordinance by

14 initiative under sections 18-2501 to 18-2538 to prohibit the adding
 15 of fluoride to its water supply.

16 ~~(2) Fluoride shall not be added to the water supply of~~
 17 ~~any city or village in which the voters have, after September 2,~~
 18 ~~1973, adopted an ordinance by initiative prohibiting the adding of~~
 19 ~~fluoride to its water supply. The procedure for the adoption of~~
 20 ~~any such ordinance shall be that provided in sections 18-2501 to~~
 21 ~~18-2536. No such ordinance may be adopted in a city or village~~
 22 ~~receiving, or which has contracted to receive, its water supply,~~
 23 ~~or any part thereof, from another political subdivision, or public~~
 1 ~~or private entity, which adds fluoride to its water supply in~~
 2 ~~compliance with subsection (1) of this section, or section 71-3306,~~
 3 ~~or which has available only purchased fluoridated water with which~~
 4 ~~to supply such city or village.~~

5 2. Correct the operative date section and repealer so
 6 that the sections added by this amendment become operative three
 7 calendar months after adjournment of this legislative session.

8 3. Correct internal references and renumber the remaining
 9 sections accordingly.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 808e, 819, 856, 856A, 898, 904, 956, 956A, 962, 962A, 994e, 1010, 1038, 1107, 1189e, 1189A, 85, 85A, 366, 542e, 542Ae, 605e, 605Ae, 690, 690A, 746, 746A, 795e, 817, 817Ae, 872, 872A, 990, 990A, 996, 996A, 1086, 1086A, 1208, 1208A, and LR 259CA.

(Signed) Abbie Cornett

STANDING COMMITTEE REPORTS

Agriculture

LEGISLATIVE RESOLUTION 441. Reported to the Legislature for further consideration.

(Signed) Bob Kremer, Chairperson

Education

LEGISLATIVE BILL 627. Placed on General File as amended.
 Standing Committee amendment to LB 627:
 AM3180

1 1. Strike the original section and insert the following
 2 new section:

3 Section 1. (1) The Legislature finds and declares that:

4 (a) Bullying or harassing conduct disrupts a school's
 5 ability to educate students; and

6 (b) Bullying or harassing conduct threatens public safety

by creating an atmosphere in which such behavior can escalate into violence.

(2) For purposes of this section, bullying or harassing conduct includes any written or verbal expression, physical act, or gesture or a pattern thereof that is intended to cause distress upon one or more students in a school, on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose by a school employee or his or her designee, at a designated school bus stop, or at school-sponsored activities or school-sponsored athletic events.

(3) On or before July 1, 2006, the school board of each school district shall develop and adopt a policy concerning bullying or harassment prevention and education, stating the strategies the district will use to create an environment free from bullying or harassment. The policy shall take into account the frequency and the severity of such bullying or harassing behavior. The policy shall include, but not be limited to, (a) complaint procedures for victims of bullying or harassment and staff responsibility in bullying or harassment complaints, (b) specific sanctions for perpetrators of bullying or harassment, (c) conspicuous posting of the policy throughout each building of the district, placement of the policy in each student handbook on school policies, and (d) other strategies for annually notifying students, parents, and employees of the policy adopted under this section.

(4) The policy required by this section shall be developed with input from parents, teachers, students, administrators, and the community at large and shall be the subject of a public hearing before the school board prior to adoption. The policy shall be reviewed annually and either altered and adopted as altered or reaffirmed by the board following a public hearing.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Steven E. Titus - Nebraska Educational Telecommunications Commission

VOTE: Aye: Senators Howard, Kopplin, Raikes, Schrock, and Stuhr. Nay: Senator Bourne. Absent: Senators Byars and McDonald.

(Signed) Ron Raikes, Chairperson

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 79, 965,

965A, and LR 274CA.

ER9103

Enrollment and Review Change to LB 965

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, lines 4 and 5 have been struck and "credit; to establish the Long-Term Care Partnership Program; to provide duties; to repeal the Long-Term Care Partnership Program Development Act; to harmonize provisions; to provide operative dates; to repeal the original section; and to outright repeal sections 68-1095, 68-1096, 68-1097, 68-1098, and 68-1099, Revised Statutes Supplement, 2005." inserted.

(Signed) Michael Flood, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 449. Introduced by: Chambers, 11; Beutler, 28; McDonald, 41; Stuthman, 22; Thompson, 14.

Adopting Articles of Impeachment

Resolution Adopting Articles of Impeachment Ninety-Ninth Legislature, Second Session, State of Nebraska

Nebraska Legislature on behalf of the State of Nebraska

v.

**C. David Hergert,
Regent, University of Nebraska**

Legislative Findings

The Legislature Finds:

1. C. David Hergert is a civil officer of this State and, as such, is liable to impeachment for any misdemeanor in office. *Neb Const* Art IV, § 5. C. David Hergert was elected to the University of Nebraska Board of Regents on November 2, 2004, to represent District 7, and he continues to hold the office of University Regent.

2. The Legislature has "the sole power of impeachment by a majority of its members." *Neb Const* Art III, § 17. Impeachment occurs by adoption of a Resolution adopting Articles of Impeachment. Trial occurs thereafter before the Nebraska Supreme Court.

3. Clear and convincing evidence exists to establish that C. David Hergert committed each, and all of the impeachable offenses identified in the Articles of Impeachment in this Resolution. Each of these offenses is an impeachable offense because each is an offense "in its nature or consequences subversive of some fundamental or essential principle of government, or highly prejudicial to the public interest, and this may consist of a violation of the Constitution, of law, of an official oath, or of duty by an act committed or omitted, or without violating a positive law by the abuse of

discretionary powers for improper motives or for an improper purpose.” *State v. Douglas*, 217 Neb 199, 202, 349 NW2d 870, 875 (1984).

4. The integrity of democratic government in Nebraska rests upon honest and honorable obedience to Nebraska’s election laws and other laws by candidates for office. The Legislature previously found, and now reaffirms that “there is a compelling state interest in preserving the integrity of the electoral process in state elections by ensuring that these elections are free from corruption and the appearance of corruption and that this end can be achieved if ... the sources of funding and the use of that funding in campaigns are fully disclosed.” *Neb Rev Stat* § 32-1602(2); *Neb Rev Stat* § 49-1402(2).

5. The People of Nebraska have determined that only persons elected lawfully, following fair, legally conducted campaigns, may serve as civil officers of this State. This determination is expressed in the State’s Constitution; it prescribes a mandatory oath of office which requires one who prevails in an election for the office of University Regent to swear or affirm that he or she has “not improperly influenced in any way the vote of any elector....” *Neb Const* Art XV § 1. This Legislature has an obligation, in matters of impeachment, to protect, defend and preserve the credibility of this Constitutional Oath. C. David Hergert swore this oath, but he did so falsely.

6. A Constitutional officer is bound by the Oath of Office to comply with both Federal and State law, *Neb Const* Art XV, § 1.

7. Candidates who are not incumbents seeking election as a civil officer, owe the public the same duty to avoid corruption, illegality, and fraud as does an incumbent civil officer seeking re-election to a public office in Nebraska. C. David Hergert was not an incumbent seeking re-election in 2004.

8. C. David Hergert may not be lawfully elected to office, or serve, after committing violations of Nebraska’s election laws so flagrant as to subvert fundamental and essential principles of government or be highly prejudicial to the public interest. To permit an official misdemeanor to hold office would improperly provide a model of behavior and conduct that would, if emulated by University students or others, foster and encourage fraud, cheating, lying, plagiarism, false pretense, or other acts and omissions subversive of the daily educational processes and integrity of the University, and the laws of the State of Nebraska.

9. Clear and convincing evidence persuades the Legislature that C. David Hergert violated Nebraska’s laws and did so by committing misdemeanors in office, including acts or omissions affecting his service as a University Regent. C. David Hergert’s offending conduct is so inimical to his duties as to render him unfit to hold office. Clear and convincing evidence persuades the Legislature that C. David Hergert’s acts and omissions, including violation of his oath of office, relate to his official duties because the People of Nebraska constitutionally prescribe that the governance of the University of Nebraska shall be vested in a Board of Regents elected from Districts, in a manner prescribed by the Legislature. *Neb Const* Art VII § 10. The Legislature prescribed that candidates for the office of University Regent must conduct their campaigns by complying

with Nebraska's election and election accountability and disclosure laws. *Neb Rev Stat* §§ 32-1601 *et seq.* and 49-1401 *et seq.*

10. Clear and convincing evidence persuades the Legislature that C. David Hergert's acts and conduct committed during and after the 2004 primary and general election campaigns for the office of University Regent involved official misconduct, false oaths, election fraud, false statements, false reports, and obstructions of government operations. As a result, Hergert's election is tainted. He entered office under false pretense, held office while continuing to commit more violations of law, and his conduct constitutes obstruction of the general governance of the University, and of the State of Nebraska.

11. Clear and convincing evidence persuades the Legislature that Hergert perpetrated his election campaign misconduct by filing a false, deceptive report with the Commission on January 11, 2005, after he took the oath of office and became a University Regent. By doing so, he falsely reaffirmed his previous false, deceptive, untimely, and unlawful filings with the Commission, and falsely reported more information. This official misconduct is inconsistent with the duty of a University Regent to obey the law, including election and accountability laws, while in office. It constitutes unlawful acts and violations of *Neb Rev Stat* §§ 28-924, 49-14,134, and 28-915.01, and obstructed operations of the Nebraska Accountability and Disclosure Commission and the State of Nebraska contrary to *Neb Rev Stat* § 28-901.

12. Clear and convincing evidence persuades the Legislature that C. David Hergert used the United States Postal Service, or private or commercial interstate carriers, to transport false reports, affidavits, and submissions to the Commission for the purpose of accomplishing a scheme or artifice to defraud the Commission and the electors concerning Hergert's campaign and its finances, expenditures, and borrowings during the course of, and after the conclusion of, his 2004 primary and general election campaigns for the office of University Regent. These unlawful uses of the mail, or private or commercial interstate carriers, occurred during the primary and general election processes, and again after Hergert took office. These acts and omissions constitute violations of 18 *USC* §§ 1341 and 1346, prohibiting the use of the mail to effectuate any scheme or artifice to defraud, including his artifices and schemes to abuse public records contrary to *Neb Rev Stat* § 28-911, falsely report and conceal actual campaign loans and expenditures, and to commit election fraud contrary to *Neb Rev Stat* §§ 32-1601 *et seq.* and 49-1401 *et seq.*

13. Clear and convincing evidence persuades the Legislature that C. David Hergert knowingly and intentionally concealed, deceived and misrepresented material facts during his interview of October 8, 2005, conducted by Donald W. Kleine, Chief Prosecutor, Nebraska Attorney General's Office, and Lieutenant Mark Funkhouser, Nebraska State Patrol. By doing so, Hergert violated either or all of the following Nebraska statutes: *Neb Rev Stat* §§ 28-901, 28-907 and 28-924.

**Acts Constituting Impeachable Offenses
On or After January 6, 2005**

Article I

False Oath of Office (Neb Const Art XV, § 1)

1. On or about January 6, 2005, following the general election of November 2, 2004, C. David Hergert ("Hergert"), having been certified as the candidate who won the general election for the position of the University of Nebraska Board of Regents ("University Regent") for District 7 as established by the Nebraska Legislature, falsely swore the following oath:

"I, C. David Hergert, do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of member of the Board of Regents of the University of Nebraska according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector..."

A Constitutional officer is bound by the Oath of Office to comply with both Federal and State law, *Neb Const Art XV, § 1*.

2. Nebraska Const Art XV, §1, requires the foregoing oath be sworn truthfully. C. David Hergert's foregoing oath was materially false because he made false and misleading filings with the Nebraska Accountability and Disclosure Commission ("Commission" or "NADC") during the election process on one or more of these occasions, each, any, and all, of which improperly influenced electors:

- 2.1 Hergert filed a false NADC Form CFLA-7, Candidate's Forty Percent Affidavit, on November 3, 2004. The form contained false, deceptively late, and misleading information.
- 2.2 Hergert failed to timely file a Forty Percent Affidavit on multiple occasions, including, but not limited to:
 - 2.2.1 April 21, 2004, after the candidate was reminded by a letter from the Commission, of the filing requirement.
 - 2.2.2 May 3, 2004.
 - 2.2.3 May 5, 2004.
 - 2.2.4 Within five (5) days of September 7, 2004, when Hergert was specifically notified by letter from the Commission that failure to timely file the required Forty Percent Affidavit renders the offending candidate subject to criminal prosecution.
 - 2.2.5 Early October, 2004, when the Jackson-Alvarez Group expended funds on the Hergert campaign for which repayment was expected, and again within five (5) days of October 17, 2004, when Scott Cottingham, Inc., invoiced Hergert for funds expended earlier which Scott Cottingham, Inc., expected to be paid.
 - 2.2.6 October 20 and October 22, 2004, when Scott Cottingham, Inc., was paid by Hergert with insufficient funds check number 1043 for \$36,000, and October 22, 2004, when Hergert's insufficient fund check to Scott Cottingham, Inc., was cleared and paid by the drawer bank.

2.2.7 October 21, 2004, when a \$65,000 line of credit was extended to Hergert who executed a Promissory Note for the funds, and on or about October 26 or 28, 2004, when an advance of approximately \$44,000 was made as a loan to Hergert's campaign, which loan should have been, but was not, reported within two (2) days as required by *Neb Rev Stat* § 49-1415, defining contributions to include loans, and *Neb Rev Stat* § 49-14,134.

2.3 Hergert filed a false candidate's Forty Percent Affidavit (NADC Form CFLA-7) on November 12, 2004.

2.4 Hergert filed false campaign statements using NADC Form B-1 on multiple occasions when he failed to properly record and report campaign expenditures including, but not limited to, expenditures for one or more of the following persons or organizations, expecting reimbursement from Hergert or his campaign, on behalf of his campaign:

The Jackson-Alvarez Group;
Majority Strategies; and
Scott Cottington, Inc.

2.5 Hergert otherwise filed false, deceptive, misleading, or tardy reports with the Commission on some or all of these dates in 2004: April 22, May 3, May 12, November 3, November 12.

2.6 Hergert otherwise filed false, deceptive, misleading, or tardy reports with the Commission.

2.7 Hergert failed to report late contributions as required by *Neb Rev Stat* § 49-1458.

2.8 Hergert violated *Neb Rev Stat* § 49-1446.04 because he, or his Committee, accepted loans in an aggregate amount of more than fifty percent (50%) of the contributions of money or did not timely, truthfully report them.

2.9 Hergert used the United States mail, or public or private carriers, to transport his false filings from Scottsbluff, Nebraska or other locations to the Commission, contrary to 18 *USC* §§ 1341 and 1346.

3. These acts and omissions were calculated to, and did, influence and deceive voters, the media, election watch groups, and the Commission. These acts and omissions created false impressions about Hergert, his campaign and finances, and prevented or delayed release of public campaign finance funds to his general election opponent. Delay in the release of these funds prevented Hergert's general election opponent from fully developing or disseminating his campaign, qualifications, platform, and reasons for seeking the office of University Regent. Electors were deprived of information, deceived, and improperly influenced as a result.

4. Hergert's actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

Article II

Mail Fraud (18 *USC* §§ 1341 and 1346)

1. A Constitutional officer is bound by the Oath of Office to comply with both Federal and State law, *Neb Const* Art XV, § 1.

2. On or shortly before January 9, 2005, C. David Hergert caused to be deposited in the United States mail, or with an interstate public or private carrier, an envelope directed to the Commission, containing for filing, his Campaign Statement filed with the Commission on January 11, 2005. This item was received by the Commission from Federal Express, a public or private interstate carrier. The January 11, 2005 Campaign Statement contained false, fraudulent, representations, pretenses, or promises intended to constitute a part of Hergert's scheme or artifice to defraud the Commission, and the electors. By reason of these acts and omissions, Hergert violated 18 *USC* § 1341, defining, and prohibiting, use of the U.S. Postal Service, or private or commercial interstate carriers, to carry out or effectuate any scheme or artifice to defraud. Hergert thereby engaged in a scheme or artifice to deprive another of the intangible right of honest services contrary to 18 *USC* § 1346.

3. This conduct by Hergert perpetuated a pattern of mail fraud activity that occurred during and after the primary and general election campaigns and before January 6, 2005, including Hergert's deposits of false or deceptive documents for filing with the Commission in the United States mail, or an interstate public or private carrier, on or about one or more of these dates in 2004:

- 3.1 April 20 for an April 22 filing.
- 3.2 April 29 for a May 3 filing.
- 3.3 May 10 for a May 12 filing.
- 3.4 An unspecified date for a mailing made with a "neopost" device for a November 3 filing.
- 3.5 November 1 for a separate November 3 filing.
- 3.6 November 10 or 11 by Federal Express parcel 6880074 for a November 12 filing.

4. Some, each or all of these acts constituted part of a scheme and artifice to defraud the Commission and electors and to commit election fraud. These acts are contrary to 18 *USC* § 1341. Hergert engaged in a scheme or artifice to deprive another of the intangible right of honest services contrary to 18 *USC* § 1346 by these acts. Hergert's January 11, 2005 filing was designed to, and did, fraudulently conceal his scheme to improperly influence electors during the 2004 election campaign.

5. Hergert's actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

Article III

False Reporting (*Neb Rev Stat* § 28-907)

1. During the final calendar quarter of 2004, the Commission initiated one or more investigations of C. David Hergert after receiving two complaints from citizens and initiating an internal complaint within the Commission. The Commission is empowered by law to conduct criminal investigations and has concurrent jurisdiction with the Attorney General to prosecute election crimes as provided by *Neb Rev Stat* § 49-14,126. Hergert

was informed of the investigations and entered into a series of submissions of information and communications with the Commission about the matters under investigation.

2. Thereafter, Hergert prepared or caused to be prepared, signed, and filed on January 11, 2005 his Campaign Statement. This Campaign Statement contained false, deceptive and misleading entries and information including, but not limited to, false reporting of the date when Hergert or his campaign incurred an expenditure of a reported \$13,272.66 to the Jackson-Alvarez Group, McLean, Virginia. Hergert reported to the Commission, and citizens of the State, that this expenditure was incurred December 14, 2004; however, the expenditure actually commenced to be incurred no later than October 5, 2004, when Hergert's political consultants confirmed prior requests for public records from the University of Nebraska by giving University officials a Federal Express number to be used to transport the requested information.

3. Hergert's January 11, 2005 Campaign Statement contained material information Hergert knew to be false. Hergert knowingly furnished this materially false information to the Commission with the intent to impede the investigation of an actual criminal matter contrary to *Neb Rev Stat* § 28-907.

4. Hergert's actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

Article IV

False Reporting (*Neb Rev Stat* § 28-907)

1. Nebraska law enforcement initiated an investigation of C. David Hergert and his Campaign for Election as a University Regent prior to October 8, 2005. On October 8, 2005, Chief Criminal Prosecutor Donald W. Kleine and Nebraska State Patrol Lieutenant Mark Funkhouser conducted a recorded interview of Hergert.

2. During the October 8, 2005, interview, Hergert falsely reported concerning (a) his awareness of campaign expenditures, (b) when they were incurred, (c) how campaign loans were arranged and funds were advanced, and (d) why prior reports made to the Commission failed to report truthfully the date(s) when expenses were actually incurred or loan funds were actually arranged or advanced to the campaign, to or by, the Jackson-Alvarez Group, McLean, Virginia, Majority Strategies, Columbus, Ohio, Scott Cottingham, Inc., Bloomington, Minnesota, and/or Valley Bank & Trust Co., Scottsbluff, Nebraska.

3. Hergert further falsely reported on October 8, 2005, that he found, inadvertently misfiled in a "chicory plant file," a Commission NADC Form CFLA-7 "Forty Percent Affidavit." This report contradicts Hergert's signed November 10, 2004, letter to the Commission in which he reported the "Forty Percent Affidavit was mailed to your office on October 29."

4. Hergert's October 8, 2005, recorded statement contained material information given to a peace officer and another official, and constituted representations Hergert knew to be false. This information was furnished by Hergert to Commission officials with the intent to impede the investigation of an actual criminal matter contrary to *Neb Rev Stat* § 28-907.

5. Hergert's actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

Article V

Obstructing Government Operations (*Neb Rev Stat* § 28-901)

1. During the final calendar quarter of 2004, the Commission initiated one or more investigations of C. David Hergert after receiving two complaints from citizens and opening an internal inquiry within the Commission. The Commission is empowered by law to conduct criminal investigations and has concurrent jurisdiction with the Attorney General to prosecute election crimes under *Neb Rev Stat* § 49-14,126. Hergert was informed of the investigation(s) and entered into a series of submissions of information and communications with the Commission about the matters under investigation.

2. Thereafter, Hergert prepared or caused to be prepared, signed, and filed his Campaign Statement on January 11, 2005. This Campaign Statement contained false, deceptive and misleading information including, but not limited to, false reporting of the date when Hergert or his campaign incurred an expense of \$13,272.66 to the Jackson-Alvarez Group, McLean, Virginia. Hergert reported this expenditure was incurred December 14, 2004, but the expenditure actually commenced to be incurred, and was made, no later than October 5, 2004, when Hergert's political consultants confirmed prior requests for public records from the University of Nebraska by giving University officials a Federal Express number to be used to transport the requested information.

3. Hergert's January 11, 2005, Campaign Statement constituted intentional obstruction, impairment or perversion of the administration of law or other governmental functions by unlawful acts, including submission of material information to the Commission which Hergert knew to be false. Hergert furnished materially false information to Commission officials with the intent to impede a criminal investigation. Hergert's conduct violated *Neb Rev Stat* § 28-901.

4. Hergert's actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

Article VI

Obstructing Government Operations (*Neb Rev Stat* § 28-901)

1. The Nebraska Attorney General's Office and the Nebraska State Patrol initiated an investigation of C. David Hergert and his Campaign for Election as a University Regent prior to October 8, 2005. On October 8, 2005, Chief Criminal Prosecutor Donald W. Kleine and Nebraska State Patrol Lieutenant Mark Funkhouser conducted a recorded interview of Hergert.

2. During the October 8, 2005 interview, Hergert falsely reported on one or more of (a) his awareness of campaign expenditures, (b) when expenditures were incurred, (c) how and when campaign loans were arranged and funds were advanced, or (d) why prior reports made to the

Commission failed to report truthfully the date(s) when expenditures were actually incurred or loan funds were actually arranged or advanced to the campaign, to or by, the Jackson-Alvarez Group, McLean, Virginia, Majority Strategies, Cottingham, Inc., and/or Valley Bank & Trust Co., Scottsbluff, Nebraska.

3. Hergert further falsely reported on October 8, 2005, that he found, inadvertently misfiled in a “chicory plant file,” a Commission NADC Form CFLA-7 “Forty Percent Affidavit.”

4. Hergert’s October 8, 2005, recorded Statement included his false and intentionally misleading statements which were designed to, and did, obstruct, impair, or pervert the administration of law or other governmental functions by unlawful acts intended to impede the investigation of an actual criminal matter.

5. Hergert’s false reporting regarding his NADC Form CFLA-7 misfiling, constituted false and intentionally misleading statements designed to obstruct, impair, or pervert the administration of law or other government functions by unlawful acts with the intent to impede a criminal matter. This conduct violated *Neb Rev Stat* § 28-901.

6. Hergert’s actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

**Acts Occurring Before January 6, 2005,
Affecting Service In Office and
Constituting Impeachable Offenses**

Article VII

Violation of Campaign Finance Limitation Act (*Neb Rev Stat* § 32-1604(5)(b))

1. Candidates who are not incumbents seeking election as a civil officer, owe the public the same duty to avoid corruption, illegality and fraud as an incumbent civil officer seeking re-election to a public office in Nebraska.

2. During the 2004 Primary and General election campaigns for the office of University Regent in District 7, C. David Hergert failed to file a timely, truthful disclosure of his campaign expenditures. By so failing, Hergert violated *Neb Rev Stat* § 32-1604(5)(b), which required Hergert file an affidavit within five days of exceeding 40% of his candidate’s estimated expenditures. Hergert was required to, but failed to, make such required disclosure on at least one of these occasions:

2.1 Hergert was required to report by no later than April 27, 2004, but failed to report until May 12, 2004, after the primary election, his expenditure of more than 40% of his primary election expenditure estimate of \$65,000.

2.2 Hergert was required to report by no later than October 24, 2004, but failed to report until November 12, 2004, after the general election, his expenditure of more than 40% of his amended general election expenditure estimate of \$40,000.00.

3. These actions impacted the release of public funds to Hergert’s opponent in one or both of the 2004 elections and thereby improperly

influenced the vote of one or more electors in one or both the 2004 elections. Hergert's conduct was intentional, and violated election laws including *Neb Rev Stat* § 32-1604(5)(b).

4. Hergert's actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

Article VIII

Violation of Nebraska Political Accountability and Disclosure Act (*Neb Rev Stat* § 49-14,134)

1. Candidates who are not incumbents seeking election to an office, owe the public the same duty to avoid corruption, illegality and fraud as an incumbent civil officer seeking re-election to a public office in Nebraska.

2. During the 2004 general election campaigns for the office of University Regent in District 7, C. David Hergert failed to file a truthful Campaign Statement by October 25, 2004. The filing Hergert made on that date deceptively and intentionally omitted Section D, Schedule 2 of the required Campaign Statement filed on NADC Form B-1 which was required to be filed to disclose unpaid bills and expenditures as defined by *Neb Rev Stat* § 49-1419(4), including any advance, loan, payment, pledge, or subscription of money or anything of value and any contract, agreement, promise, or other obligation, whether or not legally enforceable incurred.

3. Instead, Hergert filed on October 25, 2004, an intentionally false, incomplete and deceptive Campaign Statement which omitted material expenditures, including one or more of the following material expenditures:

The Jackson- Alvarez Group	\$ 13,272.66
Majority Strategies	\$ 10,295.00
Scott Cottingham, Inc.	\$ 36,000.00

4. These actions impacted the release of public funds to Hergert's opponent in one or both of the 2004 elections and thereby improperly influenced the vote of one or more electors in one or both the 2004 elections. Hergert's conduct was intentional and violated *Neb Rev Stat* § 49-14,134.

5. Hergert's actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

Article IX

Violation of Nebraska Political Accountability and Disclosure Act (*Neb Rev Stat* § 49-1446.04)

1. Candidates who are not incumbents seeking election as civil officers owe the public the same duty to avoid corruption, illegality and fraud as an incumbent civil officer seeking re-election to a public office in Nebraska.

2. During the 2004 general election campaign for the office of University Regent, C. David Hergert borrowed from Valley Bank & Trust Co., Scottsbluff, Nebraska, \$44,000 on October 22, 2004, and \$5,000 on or before October 29, 2004.

3. These loans were unlawfully received by Hergert and used in his campaign. Section 49-1446.04 prohibits candidates, like Hergert, from accepting loans in an aggregate amount of more than fifty percent (50%) of the contributions of money, other than the proceeds of loans, which Hergert received during the relevant reporting period and as of the date of the receipt of the proceeds of the loan.

4. Hergert's conduct was intentional and violated *Neb Rev Stat* § 49-1446.04.

5. Hergert's actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

Article X

Violation of Accountability & Disclosure Act (*Neb Rev Stat* § 49-14,134)

1. Candidates who are not incumbents seeking election as a civil officer, owe the public the same duty to avoid corruption, illegality and fraud as an incumbent civil officer seeking re-election to a public office in Nebraska.

2. During the 2004 general election campaign for the office of University Regent in District 7, C. David Hergert, borrowed from Valley Bank & Trust Co., Scottsbluff, Nebraska \$44,000 on October 22, 2004.

3. Hergert reported falsely and intentionally that the Valley Bank & Trust Co. loan of \$44,000 was advanced to him on October 26, 2004, when he filed a Report of Late Contribution on Commission Form B-5 on November 3, 2004. However, the loan was advanced to Hergert on or about October 22, 2006, as he later admitted in a filing made to the Commission on January 11, 2005. Hergert's false reporting violated *Neb Rev Stat* § 49-14,134 and delayed disclosure of the loan until after the general election of November 2, 2004.

4. Hergert's conduct was intentional and violated *Neb Rev Stat* § 49-14,134.

5. Hergert's actions were related, but inimical, to his duties in office, subversive of fundamental and essential principles of government, and were highly prejudicial to the public interest.

NOW, THEREFORE, BE IT RESOLVED, that C. David Hergert, Regent, University of Nebraska is hereby impeached, saving unto the Legislature of the State of Nebraska at any time hereafter any further articles or other accusations or impeachment against the said C. David Hergert, and also of replying to his answers which he shall make to the articles herein preferred against him, and of offering proof to the same and every part thereof, and all and every other article, accusation or impeachment which shall be exhibited as the case shall require, and do now demand that the said C. David Hergert be put to answer the misdemeanor(s) in office herein charged against him, and that such proceedings, examination, trials, and judgements may be thereupon had and given as may be agreeable to law and justice.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 1024. The Standing Committee amendment, AM2687, printed separately and referred to on page 1332 and considered on pages 1412 and 1492, as amended, was renewed.

Senator Cornett offered the following motion:
Reconsider the vote taken on AM3142.

Pending.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR 447 was referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR 447	Agriculture

(Signed) Pat Engel, Chairperson
Legislative Council, Executive Board

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Judy Schweikart - Accountability and Disclosure Commission

VOTE: Aye: Senators Burling, Fischer, Langemeier, Schimek, Wehrbein.
Nay: None. Absent: Senators Brown, Mines, Pahls.

(Signed) DiAnna R. Schimek, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1039. Placed on Select File as amended.
E & R amendment to LB 1039:
AM7228

1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:

- 3 Section 1. Section 9-801, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 9-801 Sections 9-801 to 9-841 and section 2 of this act
 6 shall be known and may be cited as the State Lottery Act.
 7 Sec. 2. The division shall spend not less than five
 8 percent of the advertising budget for the state lottery on
 9 problem gambling prevention, education, and awareness messages.
 10 The division shall coordinate messages developed under this section
 11 with the prevention, education, and awareness messages in use on
 12 the effective date of this act by or developed in conjunction with
 13 the Compulsive Gamblers Assistance Program established pursuant to
 14 section 71-817. For purposes of this section, the advertising
 15 budget for the state lottery includes amounts budgeted and
 16 spent for advertising, promotions, incentives, public relations,
 17 marketing, or contracts for the purchase or lease of goods or
 18 services that include advertising, promotions, incentives, public
 19 relations, or marketing, but does not include in-kind contributions
 20 by media outlets.
 21 Sec. 3. Original section 9-801, Reissue Revised Statutes
 22 of Nebraska, is repealed.
 23 2. On page 1, strike beginning with the second comma in
 1 line 2 through "term" in line 4; and in line 6 strike "sections"
 2 and insert "section".

LEGISLATIVE RESOLUTION 272CA. Placed on Select File.

LEGISLATIVE BILL 1248. Placed on Select File as amended.
 (E & R amendment, AM7216, is printed separately and available in the Bill Room, Room 1104.)

LEGISLATIVE BILL 1248A. Placed on Select File.

(Signed) Michael Flood, Chairperson

AMENDMENTS - Print in Journal

Senator Dw. Pedersen filed the following amendment to LB 925:
 AM3212

(Amendments to E & R amendments, AM7208)

- 1 1. On page 18, line 6, strike the new matter and
- 2 reinstate the stricken matter.
- 3 2. On page 19, line 15, strike "fifteen", show as
- 4 stricken, and insert "five".
- 5 3. On page 20, line 7, strike "thirty" and reinstate the
- 6 stricken "ten".

Senator Dw. Pedersen filed the following amendment to LB 925:
 AM3211

(Amendments to E & R amendments, AM7208)

- 1 1. On page 17, line 11, strike "ten" and insert "two" and
- 2 strike "two" and insert "one"; and in line 12 strike "forty" and
- 3 insert "twenty".

Senator Jensen filed the following amendment to LB 965A:
AM3216

- 1 1. Insert the following new section:
- 2 Sec. 2. There is hereby appropriated (1) \$120,000 from
- 3 the General Fund for FY2006-07 and (2) \$100,000 from the General
- 4 Fund for FY2007-08 to the State Treasurer, for Program 659, to
- 5 aid in carrying out the provisions of Legislative Bill 965,
- 6 Ninety-ninth Legislature, Second Session, 2006.
- 7 Total expenditures for permanent and temporary salaries
- 8 and per diems from funds appropriated in this section shall not
- 9 exceed \$30,000 for FY2006-07 or \$30,000 for FY2007-08.

Senator Kremer filed the following amendment to LB 1039:
AM3195

(Amendments to E & R amendments, AM7228)

- 1 1. Insert the following sections:
- 2 Sec. 3. Section 81-15,170, Revised Statutes Cumulative
- 3 Supplement, 2004, is amended to read:
- 4 81-15,170 (1) The Nebraska Environmental Trust Board
- 5 is hereby created as an entity of the executive branch. The
- 6 board shall consist of the Director of Environmental Quality,
- 7 the Director of Regulation and Licensure, the Director of Natural
- 8 Resources, the Director of Agriculture, the secretary of the Game
- 9 and Parks Commission, and ~~nine~~ eleven citizens appointed by the
- 10 Governor with the approval of a majority of the Legislature.
- 11 The citizen members shall begin serving immediately following
- 12 notice of nomination and prior to approval by the Legislature.
- 13 The citizen members shall represent the general public and shall
- 14 have demonstrated competence, experience, and interest in the
- 15 environment of the state. ~~Two~~ At least two of the citizen
- 16 appointees shall also have experience with private financing of
- 17 public-purpose projects. ~~Three appointees shall be chosen from~~
- 18 (2) Of the eleven citizen appointees appointed pursuant
- 19 to subsection (1) of this section:
- 20 (a) One appointee shall be appointed from each of the
- 21 eight districts described in subsection (3) of this section; and
- 22 (b) One appointee shall be appointed from each of the
- 1 three congressional districts.
- 2 (3) For purposes of this section, the following districts
- 3 shall be used for the appointment of citizen appointees:
- 4 (a) The first district shall contain the counties of
- 5 Butler, Cass, Gage, Jefferson, Johnson, Nemaha, Otoe, Pawnee,
- 6 Richardson, Saline, Sarpy, Saunders, and Seward;
- 7 (b) The second district shall contain the county of

8 Douglas;

9 (c) The third district shall contain the counties of
10 Antelope, Boone, Burt, Cedar, Colfax, Cuming, Dakota, Dixon, Dodge,
11 Knox, Madison, Merrick, Nance, Pierce, Platte, Stanton, Thurston,
12 Washington, and Wayne;

13 (d) The fourth district shall contain the counties of
14 Adams, Buffalo, Clay, Fillmore, Franklin, Hall, Hamilton, Kearney,
15 Nuckolls, Polk, Thayer, Webster, and York;

16 (e) The fifth district shall contain the counties of
17 Chase, Dawson, Dundy, Frontier, Furnas, Gosper, Harlan, Hayes,
18 Hitchcock, Lincoln, Perkins, Phelps, and Red Willow;

19 (f) The sixth district shall contain the counties of
20 Arthur, Blaine, Boyd, Brown, Cherry, Custer, Garfield, Grant,
21 Greely, Holt, Hooker, Howard, Keya Paha, Logan, Loup, McPherson,
22 Rock, Sherman, Thomas, Valley, and Wheeler;

23 (g) The seventh district shall contain the counties of
24 Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Keith, Kimball,
25 Morrill, Scotts Bluff, Sheridan, and Sioux; and

26 (h) The eighth district shall contain the county of
27 Lancaster.

1 (4) A citizen appointee appointed pursuant to this
2 section as it existed prior to the effective date of this act
3 may continue to serve until the expiration of his or her term of
4 office. Within thirty days after the effective date of this act,
5 the Governor shall designate which citizen appointees appointed
6 prior to the effective date of this act shall represent the
7 districts and congressional districts that become effective on the
8 effective date of this act. As the terms of citizen appointees
9 appointed prior to the effective date of this act expire as set out
10 in section 81-15,171, appointments shall be made pursuant to this
11 section as it exists on and after the effective date of this act.

12 (5) The board shall hire an executive director who shall
13 hire and supervise other staff members as may be authorized by
14 the board. The executive director shall serve at the pleasure of
15 the board and be solely responsible to it. The Game and Parks
16 Commission shall provide administrative support, including, but not
17 limited to, payroll and accounting functions, to the board.

18 Sec. 4. Section 81-15,171, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 81-15,171 The citizen members of the board shall be
21 appointed for terms of six years, except that of the members first
22 appointed, except directors of agencies, the terms of three shall
23 expire at the end of the second year, three at the end of the
24 fourth year, and three at the end of the sixth year, as designated
25 at the time of appointment and an additional citizen member shall
26 be appointed to serve an initial term that expires March 10, 2007,
27 and an additional citizen member shall be appointed to serve an
1 initial term that expires March 10, 2008. Any member appointed to
2 fill a vacancy occurring prior to the expiration of the term for

3 which his or her predecessor was appointed shall be appointed for
 4 the remainder of such term. A vacancy on the board shall exist in
 5 the event of the death, disability, or resignation of a member. All
 6 members shall be reimbursed for their actual and necessary travel
 7 expenses as provided in sections 81-1174 to 81-1177.

8 2. On page 1, line 21, strike "section 9-801" and
 9 insert "sections 9-801 and 81-15,171"; and in line 22 strike "is"
 10 and insert "and section 81-15,170, Revised Statutes Cumulative
 11 Supplement, 2004, are".

12 3. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 1024. The Cornett pending motion, found in this day's Journal, to reconsider the vote taken on AM3142, was renewed.

SPEAKER BRASHEAR PRESIDING

Senator Raikes offered the following motion:

Invoke cloture on LB 1024, pursuant to Rule 7, Section 10.

Senator Raikes moved for a call of the house. The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Senator Raikes requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 31:

Aguilar	Cunningham	Kremer	Pedersen, Dw.	Stuthman
Baker	Erdman	Landis	Pederson, D.	Thompson
Beutler	Fischer	Langemeier	Raikes	Wehrbein
Brashear	Heidemann	Louden	Redfield	
Brown	Janssen	McDonald	Schrock	
Byars	Jensen	Mines	Smith	
Cudaback	Johnson	Pahls	Stuhr	

Voting in the negative, 13:

Bourne	Connealy	Flood	Howard	Synowiecki
Burling	Cornett	Foley	Kopplin	
Chambers	Engel	Friend	Preister	

Present and not voting, 4:

Combs	Kruse	Price	Schimek
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Excused and not voting, 1:

Hudkins

The Raikes motion to invoke cloture failed with 31 ayes, 13 nays, 4 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

SENATOR CUDABACK PRESIDING

LEGISLATIVE BILL 745. Senator Chambers renewed his pending motion, found on page 1347 and considered on page 1356, to bracket until April 11, 2006.

SENATOR ENGEL PRESIDING

SENATOR CUDABACK PRESIDING

Senator Mines moved the previous question. The question is, "Shall the debate now close?"

Senator Mines moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The motion to cease debate prevailed with 26 ayes, 2 nays, and 21 not voting.

Senator Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 19:

Baker	Flood	Jensen	Mines	Smith
Brashear	Foley	Kremer	Price	Stuhr
Erdman	Friend	Kruse	Raikes	Wehrbein
Fischer	Heidemann	Louden	Redfield	

Voting in the negative, 16:

Aguilar	Combs	Howard	Schrock
Beutler	Connealy	Janssen	Stuthman
Bourne	Cornett	Kopplin	Synowiecki
Byars	Cunningham	Schimek	Thompson

Present and not voting, 9:

Brown	Chambers	Engel	Landis	Pederson, D.
Burling	Cudaback	Johnson	Pahls	

Excused and not voting, 5:

Hudkins	Langemeier	McDonald	Pedersen, Dw.	Preister
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The Chambers motion to bracket failed with 19 ayes, 16 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Reconsider the vote just taken.

Senator Synowiecki asked unanimous consent to pass over LB 745. No objections. So ordered.

LEGISLATIVE BILL 228. Title read. Considered.

The Standing Committee amendment, AM1988, found on page 702, was considered.

Senator Raikes renewed the Raikes-Howard pending amendment, AM2466, found on page 884, to the Standing Committee amendment.

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Raikes-Howard amendment was adopted with 25 ayes, 3 nays, 12 present and not voting, and 9 excused and not voting.

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Howard moved for a call of the house. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Senator Howard requested a roll call vote on the Standing Committee amendment, as amended.

Voting in the affirmative, 24:

Aguilar	Chambers	Howard	Pahls	Stuhr
Beutler	Connealy	Janssen	Price	Synowiecki
Bourne	Cudaback	Johnson	Raikes	Thompson
Brashear	Engel	Kopplin	Schimek	Wehrbein
Byars	Flood	Kruse	Schrock	

Voting in the negative, 11:

Baker	Erdman	Langemeier	Smith
Burling	Friend	Louden	Stuthman
Cunningham	Kremer	Redfield	

Present and not voting, 5:

Combs	Cornett	Fischer	Heidemann	Jensen
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Excused and not voting, 9:

Brown	Hudkins	McDonald	Pedersen, Dw. Preister
Foley	Landis	Mines	Pederson, D.

The Standing Committee amendment, as amended, lost with 24 ayes, 11 nays, 5 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Senator Howard moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Howard requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 17:

Aguilar	Chambers	Kopplin	Schimek	Thompson
Beutler	Connealy	Kruse	Schrock	
Bourne	Howard	Pahls	Stuhr	
Byars	Janssen	Price	Synowiecki	

Voting in the negative, 12:

Baker	Engel	Louden	Smith
Burling	Erdman	Raikes	Stuthman
Cunningham	Friend	Redfield	Wehrbein

Present and not voting, 11:

Brashear	Cudaback	Heidemann	Kremer
Combs	Fischer	Jensen	Langemeier
Cornett	Flood	Johnson	

Excused and not voting, 9:

Brown	Hudkins	McDonald	Pedersen, Dw. Preister
Foley	Landis	Mines	Pederson, D.

Failed to advance to E & R for review with 17 ayes, 12 nays, 11 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 821. Title read. Considered.

The Standing Committee amendment, AM2314, found on page 763, was considered.

Senator Erdman withdrew his pending amendments, AM2953 and AM3086, found on pages 1310 and 1461.

Senator Erdman offered the following amendment to the Standing Committee amendment:

AM3232

(Amendments to Standing Committee amendments, AM2314)

- 1 1. On page 1, line 4, after "are" insert "residents of
- 2 the school district pursuant to subsection (1) of section 79-215
- 3 and who are" and strike "another public," and insert "a"; in line
- 4 8 after "may" insert "include provisions permitting the part-time
- 5 enrollment of such students who are not residents of such school
- 6 districts and may"; and in line 11 after "grounds" insert "or at a
- 7 school-sponsored activity or athletic event".

Senator Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Erdman amendment was adopted with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Senator Erdman moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Advanced to E & R for review with 26 ayes, 6 nays, 6 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 57.

ER9104

Enrollment and Review Change to LB 57

The following changes, required to be reported for publication in the Journal, have been made:

1. In the Landis-Foley amendment, AM3170, on page 2, line 2, "on" has been struck and "by" inserted; in line 10 "4" has been struck and "5" inserted; in line 11 "assault" has been struck and "certain assaults committed on a pregnant woman" inserted; and in line 20 "the" has been struck.

(Signed) Michael Flood, Chairperson

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 85, 85A, 366, 542, 542A, 605, 605A, 690, 690A, 746, 746A, 795, 817, 817A, 872, 872A, 990, 990A, 996, 996A, 1086, 1086A, 1208, 1208A, 808, 819, 856, 856A, 898, 904, 956, 956A, 962, 994, 994A, 1010, 1038, 1107, 1189, 1189A, and LR 259CA.

(Signed) Vickie D. McDonald

AMENDMENTS - Print in Journal

Senator Schrock filed the following amendment to LB 1113:
AM3218

(Amendments to Standing Committee amendments, AM2785)

- 1 1. On page 6, line 16, strike "ensure" through "points"
- 2 in line 18 and insert "provide public access for recreational use
- 3 at designated access points at any water project".

Senator Landis filed the following amendment to LB 1105:
AM3210

(Amendments to E & R amendments, AM7222)

- 1 1. On page 2, line 19, after "multiplier" insert
- 2 ". Attributable revenue includes state sales taxes granted to
- 3 a contracting public body under the Entertainment and Tourism
- 4 Development Act".
- 5 2. On page 5, line 1, strike "a" and insert an
- 6 underscored colon, paragraphing, and "(a) A"; in line 4 after
- 7 the semicolon insert "or
- 8 (b) A person who attended a sporting event, concert, or
- 9 other recreational or entertainment event described in subdivision
- 10 (8)(d) at a sports arena facility".
- 11 3. On page 10, line 21, after "audit" insert "or
- 12 examination".
- 13 4. On page 11, line 23, after "the" insert "eligible".
- 14 5. On page 12, strike line 20 and insert "eligible
- 15 facility".

16 6. On page 13, line 11, after the first "the" insert
17 "remaining".

Senator Brashear filed the following amendment to LB 1256:
AM3222

(Amendments to E & R amendments, AM7213)

- 1 1. On page 2, lines 12 and 13, strike the new matter and
2 reinstate the stricken matter.
- 3 2. On page 10, line 13, after "agreement" insert ". A
4 minimum of one million dollars shall be placed in the private
5 endowment prior to December 31, 2006, and a minimum of five million
6 dollars shall be placed in the private endowment prior to June 30,
7 2007"; in line 16 strike "and"; in line 17 strike "Agree to permit"
8 and insert "Permit"; and in line 19 after "act" insert "; and
9 (d) Submit to the State Department of Education an
10 annual financial statement of the private endowment, audited by
11 an independent auditor and complying with all applicable Internal
12 Revenue Service requirements. The financial statement shall report
13 details on the private endowment, including the current value
14 of the corpus and the annual receipts to the private endowment
15 categorized by donations and interests, together with a report
16 listing the amount and purpose of expenditures from the private
17 endowment".
- 18 3. On page 11, line 5, strike "no funds are" and insert
19 "the funds"; in line 6 after "Fund" insert "pursuant to subsection
20 (12) of section 84-613 terminate as set forth in such section and
21 are not replaced by a minimum of forty million dollars from another
22 source"; and in line 17 after "the" insert "sole".
- 1 4. On page 12, line 4, after "for" insert "at-risk"; in
2 line 7 after the second comma insert "and"; in line 8 strike ",
3 and community-based organizations"; in line 9 after "for" insert
4 "at-risk"; in line 11 after the period insert "School districts,
5 cooperatives of school districts, and educational service units
6 may establish agreements with other public and private entities to
7 provide services or operate programs"; and strike beginning with
8 "Any" in line 20 through "(6)" in line 26.
- 9 5. On page 13, line 7, strike "(7)" and insert "(6)"; and
10 in line 11 after "for" insert "at-risk".

Senator Brashear filed the following amendment to LB 1006:
AM3223

(Amendments to E & R amendments, AM7207)

- 1 1. Strike sections 1 and 2 and insert the following new
2 sections:
3 Section 1. At the general election in November 2006 the
4 following proposed amendment to the Constitution of Nebraska shall
5 be submitted to the electors of the State of Nebraska for approval
6 or rejection:
7 To amend Article VII, sections 7, 8, and 9:

8 VII-7 The following are hereby declared to be perpetual
9 funds for common school purposes, including early childhood
10 educational purposes operated by or distributed through the common
11 schools, of which the annual interest or income only can be
12 appropriated, to wit:

13 First. Such ~~per cent~~ percent as has been, or may
14 hereafter be, granted by Congress on the sale of lands in this
15 state.

16 Second. All money arising from the sale or leasing of
17 sections number sixteen and thirty-six in each township in this
18 state, and the lands selected, or that may be selected, in lieu
19 thereof.

20 Third. The proceeds of all lands that have been, or
21 may hereafter be, granted to this state, where by the terms
22 and conditions of such grant the same are not to be otherwise
1 appropriated.

2 Fourth. The net proceeds of lands and other property and
3 effects that may come to this state, by escheat or forfeiture, or
4 from unclaimed dividends, or distributive shares of the estates of
5 deceased persons.

6 Fifth. All other property of any kind now belonging to
7 the perpetual fund.

8 VII-8 All funds belonging to the state for common
9 school educational purposes, including early childhood educational
10 purposes operated by or distributed through the common schools, the
11 interest and income whereof only are to be used, shall be deemed
12 trust funds. Such funds with the interest and income thereof are
13 hereby solemnly pledged to the purposes for which they are granted
14 and set apart and shall not be transferred to any other fund
15 for other uses. The state shall supply any net aggregate losses
16 thereof realized at the close of each calendar year that may in
17 any manner accrue. Notwithstanding any other provisions in ~~the~~ this
18 Constitution, such funds shall be invested as the Legislature may
19 by statute provide.

20 VII-9 (1) The following funds shall be exclusively used
21 for the support and maintenance of the common schools in each
22 school district in the state or for early childhood education
23 operated by or distributed through the common schools as provided
24 in subsection (3) of this section, as the Legislature shall
25 provide:

26 ~~a.~~ (a) Income arising from the perpetual funds;

27 ~~b.~~ (b) The income from the unsold school lands, except
1 that costs of administration shall be deducted from the income
2 before it is so applied;

3 ~~c.~~ (c) All other grants, gifts, and devises that have
4 been or may hereafter be made to the state which are not otherwise
5 appropriated by the terms of the grant, gift, or devise; and

6 ~~d.~~ (d) Such other support as the Legislature may provide.

(2) No distribution or appropriation shall be made to any school district for the year in which school is not maintained for the minimum term required by law.

(3)(a) An early childhood education endowment fund shall be created for the purpose of supporting early childhood education in this state as provided by the Legislature.

(b) An amount equal to forty million dollars of the funds belonging to the state for common school and early childhood educational purposes operated by or distributed through the common schools described in Article VII, section 7, of this Constitution shall be allocated for the early childhood education endowment fund.

(c) Only interest or income on such early childhood education endowment fund may be appropriated as provided by the Legislature for the benefit of the common schools and for the exclusive purpose of supporting early childhood education in this state.

(d) For purposes of Article VII of this Constitution, early childhood education means programs operated by or distributed through the common schools promoting development and learning for children from birth to kindergarten-entrance age.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

A constitutional amendment to permit use of funds dedicated to the common schools for early childhood educational purposes.

For

Against.

Senators Landis and Brashear filed the following amendment to LB 500: (Amendment, AM3208, is printed separately and available in the Bill Room, Room 1104.)

UNANIMOUS CONSENT - Add Cointroducer

Senator Redfield asked unanimous consent to add her name as cointroducer to LR 272CA. No objections. So ordered.

VISITORS

Visitors to the Chamber were 23 fourth-grade students and teacher from Cedar Elementary School, Beatrice; Boy Scouts from Cornhusker and Mid-America Councils, Lincoln and Omaha; Kenneth Legg from Omaha; supporters of Immigration Reform Rally from across the state; 40 members of Family Careers and Community Leaders of America and sponsor from across the state; Lacy Bryant, Elizabeth Jorgensen, Olivia Klein, and Darrel Fisher from Medicine Valley; Senator Wehrbein's wife, and grandchildren, Jeanene, Abby, and Kalby Wehrbein; and 8 Boy Scouts from Troop #25,

Lincoln.

The Doctor of the Day was Dr. Randy Kohl from Firth.

ADJOURNMENT

At 9:37 p.m., on a motion by Senator Cornett, the Legislature adjourned until 9:00 a.m., Tuesday, April 11, 2006.

Patrick J. O'Donnell
Clerk of the Legislature